

2015 APR 27 PM 1:25

STATE OF WASHINGTON

BY DEPITY

NO. 46443-8-II

# COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION TWO

DEBBIE D. DANLEY,

Appellant,

V.

#### **CLINTON R. CALDWELL**

Respondent.

# ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR CLALLAM COUNTY

The Honorable Erik Rohrer, Judge

**OPENING BRIEF OF APPELLANT** 

DEBBIE D. DANLEY, PRO SE P.O. Box 27232 Seattle, WA 98165 425-761-8474 NOTE TO THE READER:

I have been representing myself acting as pro se throughout the trial proceedings and now this appeal. I put my best efforts in writing this brief trying my best to follow the laws and appellate procedures.

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## I. ASSIGNMENTS OF ERROR

- Judge Erik Rohrer erred that Ms. Danley filings in district court (small claims) is the "same action" in superior court.
- 2. Judge Erik Rohrer erred that Ms. Danley was seeking compensation for the very same thing in district court (small claims) and that Ms. Danley's property connot be worth \$95,000. more in superior court.
- II. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

  Ms. Danley filed a new complaint with the trial court on

  August 8, 2013 including a list with the value of her property.

  Was there a difference between Ms. Danley's small claims

  complaint and her superior court complaint? Is it the "same
  action" in superior court? Was Ms. Danley entilted to a

  "different action" in superior court? (Assignment of error 1)

Ms. Danley's plan was to sue Mr. Caldwell twenty seperate times at the small claims jurisdictional limit to obtain <u>full</u>

<u>value</u> of her property. May Ms. Danley ask for more compensation in the jurisdiction of the superior court? Is Ms. Danley entilted to obtain the full value of her property because the case was transferred to superior court? Does the value of property stand on its own? (Assignment of error 2)

#### III. STATEMENT OF THE CASE

In mid April of 2010, Ms. Danley moved from North Bend, WA to Gig Harbor, Wa to live with Mr. Caldwell. CP 39. Before leaving North Bend, Ms. Danley loaded all her property in Mr. Caldwell's sixteen foot box trailer that was towed to his home in Gig Harbor. CP 39. Upon arriving in Gig Harbor, Ms. Danley assumed he would let her move her property from the box trailer into Mr. Caldwell's home. CP 39. Mr. Caldwell did not allow Ms. Danley to move her property inside the house with the exception of her bedroom set. Over a period of two months, Ms. Danley asked him on several occasions if she could move her property from his box trailer into his home. Mr. Caldwell refused.

In June of 2010, Mr Caldwell purchased five older trailers (the landliner and the terry brand variety). All of these trailers were cleaned and gutted by Ms. Danley. Mr Caldwell then allowed her to move her property from his box trailer into two of the cleaned and gutted trailers for storage. Mr Caldwell still refused to let her move the property into the home. CP 39.

On January 14, 2011 Mr. Caldwell was served an eviction notice that Ms. Danley was not aware of. The trailers containing her property were moved with everything else due to Mr. Caldwell's eviction. Mr. Caldwell then moved his trailers containing Ms. Danley's property without her permission to the Treemont Industrial Park in Port Orchard, WA for storage. CP 39.

Mr. Caldwell made it difficult for Ms. Danley to access the trailers in the storage park. Ms. Danley received a key from him to access the gate. He claimed it was the right key, but it didn't fit the lock. CP 39.

In February of 2011 Mr. Caldwell and Ms Danley took a road trip to Montana to try and talk things out. Ms. Danley decided to go due to the fact that he had control over all her property. When they (J)

arrived back to the Industrial Park in Port Orchard where the trailers were stored, he told Ms. Danley to make other living arrangements. Mr. Caldwell would not let her access her property in his trailers. CP 39.

In April 2011 Ms. Danley went to the Treemont Industrial Park to check on the trailers. She noticed they were gone. She filed a police report with the Port Orchard Police Dept. with the hope of finding the trailers with her property in them. CP 39.

In June 2011 Ms. Danley found out Mr. Caldwell towed the trailers with her property in them from the Industrial Park to Mr. Caldwells cousins property in Belfair, WA. Ms. Danley made several attempts to contact his cousin Rob Lefler to retrieve her property in the trailers. They both refused to give her a key to the gate to access her property. CP 39.

This matter was scheduled for a small claims proceeding in district court when Mr. Caldwell filed a counterclaim exceeding the jurisdictional limit of small claims court. CP 12. The matter was transferred to superior court pursuant to RCW 4.14.010. CR 12.

Mr. Caldwell claimed at trial that Ms. Danley abandoned her property. Here, Ms. Danley clearly did not exhibit any intent to abandon everything she owned. CP 12.

The trial court was satisfied that Mr. Caldwell wrongfully exerted control over Ms. Danley's property and refused to return it to her. CP 12. However the trial court was not satisfied that Ms. Danley met her burden of establishing that the value of this property was over \$100,000. CP 12, CP 44.

The trial court noted that Ms. Danley's claim was originally filed in the small claims department of district court. CP 12. At that time she valued a small portion of her property at \$5000. CP 12.

P. F.

Ms. Danley's plan was to sue Mr. Caldwell 20 separate times at the small claims jurisdictional limit to obtain the <u>full value of her property</u>. CP 12. Ms. Danley was unaware you could only sue him once.

The trial court ordered that Ms. Danley shall have a judgment against Mr. Caldwell in the amount of \$5000 and Mr. Caldwell's counterclaim was dismissed. CP 12.



## IV. ARGUMENT

1. The trial court erred that Ms. Danley's filings in district court (small claims) were the same action in superior court.

Under RCW 4.14.010. an entire case may be removed and the superior court may determine all issues therein.

Ms. Danley filed a complaint in superior court that caused a different action. There is no limit on the types of civil cases heard. (Wn. courts resources)

After a hearing this court transferred the matter to superior court for an expedited "resolution of all issues of fact and law". Seattle School Dist. v. State 90 Wn.2d 476, 585 P.2d 71 (1978)

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2. The trial court erred that Ms. Danley was seeking compensation for the very same thing in district court (small claims) and that Ms. Danley's property cannot be worth \$95,000 more in superior court.

Ms. Danley filed a small claims complaint against Mr. Caldwell for \$5,000. Her intentions were to sue him 20 seperate times to obtain the full \$100,000 value of her property. At the time Ms. Danley did not know you could only sue him once for the same action. Mr. Caldwell filed a counterclaim that exceeded the small claims jurisdictional limit and the case was transferred to superior court pursuant to RCW 4.14.010. Ms. Danley filed a complaint with superior court with the itemized value of all her property. CP 44. All of Ms. Danley's property can be worth more in superior court because she amended her complaint and she was out of the small claims jurisdiction. The trial courts judgment

was in favor of Ms. Danley and should have awarded her all, if not, more. It was proven in the trial court that Mr. Caldwell had control over all her property, not part of it. CP 12.

Ms. Danley submitted evidence under ER 904 which allowed her exhibits to be deemed authentic and admissible. In CP 12 it states in an email from Mr. Caldwell: "You know there are not many women that would be willing to give a guy everything they own" Also in CP 12 it states: "Here Ms. Danley did not exhibit any intent to abandon everything she owned.

The value of all Ms. Danley's property stands on its own.

## V. <u>CONCLUSION</u>

For the reasons stated above, this court should raise the Superior Court ruling from \$5000.00 to the full amount of Ms. Danley's stolen property.

REPSPECFULLY SUBMITTED this 23<sup>1</sup> day of April, 2015

By: <u>Vebro Vaned</u> Debbie D. Danley (pro seb

P.O. Box 27232 Seattle, WA 98165

425-761-8474

FILED COURT OF APPEALS DIVISION II

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STATE OF WASHINGTON

BY CLEPUTY

#### **CERTIFICATE OF SERVICE**

The undersigned certifies that on the date written below, a true and correct copy of this document was served on each of the parties below as follows:

#### Via mail to:

Clinton R. Caldwell 31 Bogey Lane Sequim, WA 98382

DATED this 23/2 day of April, 2015

Debbie Danley (pro se)

P.O. Box 27232 Seattle, WA 98165 425-761-8474